

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAVOND A. HILL,  
Plaintiff,

v.

JOHN E. WETZEL, *et al.*  
Defendants

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Case No. 2:19-cv-960-SLH-KAP

Memorandum Order

Plaintiff filed a complaint that as amended is at ECF no. 44. I, the Court, and the Court of Appeals have all reviewed it. When the mandate was received that vacated the dismissal of the claim against defendants Pillai and Berger, I set a pretrial schedule that is in effect. *See* ECF no. 84. Plaintiff has proposed to reverse the dismissal of the other claims and defendants in a motion at ECF no. 85 styled as a motion “to reconsider and/or correct the record.” It is not a Rule 59 (or Rule 60) motion, it is an incorrect interpretation of the history of this matter and the effect of appellate review. The motion at ECF no. 85 is denied.

Plaintiff has also filed a motion at ECF no. 87 to amend his complaint against the remaining defendants yet again, and more than five years after the events alleged, on the theory that the remaining defendants’ answer should be treated as a Rule 12 motion for a more specific statement. That also incorrectly interprets the history of this matter. Although leave to amend should be given freely, it is inequitable to require defendants to bear the expense of hitting a constantly moving target. The motion to amend at ECF no. 87 is denied.

DATE: December 27, 2022

  
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Keith A. Pesto,  
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Lavond A. Hill GC8778  
S.C.I. Phoenix  
1200 Mokychic Drive  
Collegeville, PA 19426